

**AMENDMENTS TO THE DRAWINGS**

The attached one (1) sheet of replacement drawings includes changes to Figure 5. Replacement Sheet 3, which includes Figures 3-5, replaces the previous replacement sheet 3 containing Figures 3-5. In Figure 5, reference numeral 53 has been replaced with reference numeral 41. No changes have been made to Figures 3 and 4. No new matter is believed to be entered as a result of the aforementioned changes.

Attachments: Replacement Sheet 3  
One (1) Annotated Sheet Showing Changes

## **REMARKS**

This paper is presented in response to the Notice of Allowance. By this paper, amendments to the specification and drawings are submitted in response to objections set forth in the Notice of Allowance. As such, Applicant respectfully requests that these amendments be accepted by the Examiner. No claims have been cancelled, amended, or added by this paper.

### **I. Objection to the Drawings**

The Examiner has objected to the drawings, alleging that 1) reference numeral "49" of Figure 5 has been replaced by reference numeral "53" and thus is not supported in the specification<sup>1</sup> and 2) reference numeral "19" has been used to designate both the "active region" and "quantum levels." In response thereto, Applicant has herein amended Figure 5 to change reference numeral "53" to reference numeral "41," and amended the specification to omit associating reference numeral "19" with "quantum levels." In view of the foregoing, Applicant respectfully submits that the objection to the drawings has been overcome and should be withdrawn.

### **II. Comments on Statement of Reasons for Allowance**

Applicant submits the following comments concerning the Examiner's statements of reasons for allowance as set forth in the Notice of Allowance. In general, Applicant agrees with the Examiner that the inventions to which claims 18-24 and 26-31 are respectively directed are patentable over the cited references. However, Applicant submits that it is improper to characterize a single limitation, or subset of limitations, as constituting the basis for allowance of a claim. Rather, the patentability of a claim is properly determined with reference to the claim as a whole. Accordingly, Applicant does not concede that the reasons for allowance given by the Examiner are the only reasons that make each claim allowable and Applicant does not make any admission or concession concerning the Examiner's statements in the Notice of Allowance concerning the allowability of claims 18-24 and 26-31 in view of the cited references.

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<sup>1</sup> Although the Examiner identifies reference numeral "49" as the reference numeral of Figure 5 that was changed, it appears the Examiner meant to identify reference numeral "41." A subsequent telephone conversation with the Examiner held on November 27, 2006 confirmed this understanding.

Dated this 28 day of November, 2006.

Respectfully submitted,



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